REMARKS/ARGUMENTS

Reconsideration is respectfully requested in view of the amendments and remarks included herein. After entry of this amendment, claims 1, 3-8, 10, 12-13, 15, 38-39, 42, and 44-61 (a total of 32 claims) are pending in the application. In this response and amendment, claims 14 and 16 are cancelled (claims 2, 9, 11, 17-37, 40-41, and 43 were previously canceled); claims 1, 6, 8, 13, 15, 38, 39, and 42 are amended; and claims 52-61 are added.

In the office action dated April 22, 2004, the examiner rejects claims 1, 3-8, 10, 12-16, 38, 39, 42, and 44-51 under 35 U.S.C. § 103(a) as being unpatentable over Chou, et al., "A Unifying Framework for Version Control in a CAD Environment, Aug. 1998 ("Chou") in view of Lillich (US Pat. No. 5,613,101).

Claim Rejections – 35 USC § 103

Regarding the independent claims rejected in the office action (claims 1, 6, 8, 13 and 15) the examiner states that Chou essentially discloses the claimed invention; however, Chou does not explicitly disclose, in claims 1, 8, 13 and 15, <u>setting a property value field to the updated value for the property, wherein the start version field and the end version field define a range of versions for which the value of the property has the same value,</u> or in claim 6, <u>wherein the second and third field define a range of versions of the object identified by the first field having the property value in the fourth field.</u> The examiner contends, however, that Lillich discloses a method for verifying the compatibility range of versions of a provider which can be used to execute the client (i.e., which have an implementation which is compatible with the definitions supplied by the definition provider), and that it would be obvious to modify the combined teachings of Chou and Lillich with a range of versions because such a modification would allow the teachings of Chou and Lillich to improve the

accuracy and the reliability of the versions and workspaces in an object repository, and to provide a mechanism for finding the best or most suitable version.

Applicant respectfully traverses the examiners rejection under 35 USC § 103(a), as applicant denies that a prima facie case of obviousness has been established. Applicant contends that the examiner's statement is conclusory without justification existing in Chou to substantiate a § 103 rejection.

For instance, the present invention is not limited to improving the accuracy and the reliability of versions and workspaces in an object repository, or to providing a mechanism for finding the best or most suitable version. The present invention provides for efficient versioning of objects in a repository, providing versioning capabilities not possible and not taught or suggested in Chou or Lillich, such as recording properties of an object in a data structure, along with the associated versions of the object having the respective property, so that the object can be recalled and generated without requiring a copying of the object.

Accordingly, the present invention provides that only object properties and relationships are copied, and are copied only when necessary (e.g., only when a property value in a particular object has changed). In lieu of copying the object, or new versions of the object, the present invention maintains, in a data structure, a range of versions for which the property value is the same, and associates it with the property value. Neither Chou nor Lillich disclose, teach or suggest these aspects, as Chou is admittedly directed and limited to version creation and manipulation, version naming and binding, and version change notification, and Lillich is limited only to defining a compatibility range for the client identifying the range of versions of the provider which can be used to execute the client. Accordingly, it would not be obvious to combine Chou and Lillich to provide for the present

invention.

The question raised under 35 U.S.C. §103 is whether the reference(s) taken as a whole would suggest the claimed invention taken as a whole to one of ordinary skill in the art. Some reason must be given in the reference(s) why one of ordinary skill would have been prompted to modify the teachings of the reference(s) to arrive at the claimed invention.

Chou teaches version creation and manipulation, version naming and binding, and version change notification; in short, version control. Chou purports to begin to establish a unifying framework for version control in integrated CAD systems. In all aspects of Chou's teachings, the object, and new versions of the object, must be copied. The present invention recites, in rejected independent claims 1, 6, 8, 13 and 15, that version and property value fields of the data structures record properties of the object and associated versions of the object facilitating a recalling and generating of the object without requiring a copying of the object. Chou's teachings do not provide for such a data structure, nor does Chou suggest any such capabilities associated with a data structure.

Lillich teaches only the recordation of a range of versions of a provider which can be used to execute a client (i.e., which have an implementation which is compatible with the definitions supplied by the definition provider). Accordingly, Lillich's teachings do not provide for the present invention, nor does Lillich suggest anything remotely directed to the recitations of the present invention.

Furthermore, the combination of Chou and Lillich would not suggest the present invention, and would not render the present invention obtainable. The disclosures of Chou and Lillich thereby teach away from a combination that would provide for the present invention. Teaching away is the antithesis of the art suggesting that the person of ordinary

skill go in the direction of the claimed invention, and is a per se demonstration of lack of prima facie obviousness.

For the teachings of a reference to be prior art under § 103, there must be some basis for concluding that the reference would have been considered by one skilled in the particular art working on the pertinent problem to which the invention pertains. Chou, for the reasons mentioned above, would not have been considered by one of ordinary skill in the art to produce the present invention.

Further in this regard, one cannot base obviousness upon what a person skilled in the art might try or might find obvious to try but rather must consider what the reference(s) would have led a person skilled in the art to do successfully. Chou, for at least the reasons mentioned above, would not have led a person skilled in the art to successfully produce the claimed invention, and does not provide a suggestion that a combination with Lillich would result in the requisite expectation of success necessary to maintain a 35 U.S.C. §103 rejection. Therefore, the examiner's conclusory statement of obviousness, without more, does not satisfy the burden of establishing a prima facie case of obviousness. Accordingly, the examiner is respectfully requested to withdraw the §103 rejection of claims 1, 3-8, 10, 12, 13, 15, 38, 39, 42, and 44-51.

Additionally, when evaluating a claim for obviousness, all limitations of the claim must be evaluated. The examiner cannot ignore a material, claimed limitation which is absent from the reference.

The examiner concedes that Chou does not explicitly disclose, in claims 1, 8, 13 and 15, setting a property value field to the updated value for the property, wherein the start version field and the end version field define a range of versions for which the value of the

property has the same value, or explicitly disclose in claim 6, wherein the second and third field define a range of versions of the object identified by the first field having the property value in the fourth field. The examiner only states, in the office action, that "Lillich discloses a method for verifying the compatibility range for the client identifies the range of versions of the provider which can be used to execute the client, i.e., which have an implementation which is compatible with the definitions supplied by the definition provider (see col. 4, lines 14-26). The above underlined recitations are not explicitly disclosed at col. 4, lines 14-26, or in Lillich generally.

For the foregoing reasons, applicant contends that a prima facie case of obvious has not been established to substantiate a § 103 rejection, as Chou and Lillich, either alone or in combination, fail to show incentive, motivation, or suggestion for the present invention, and fail to disclose all of the elements recited in the claims of the present invention.

Claims Added by this Response and Amendment

Claims 52-61 are added by this response and amendment to more completely cover certain aspects of applicant's invention.

Claims 52-56 are dependent on claim 1. These claims respectively recite additional elements patentable over the prior art of record, such as; 1) updating and recording a version of an object without copying the object; 2) updating a version of an object by copying only updated properties and associated version identifiers and not the updated object; 3) wherein the property is a name-value pair and wherein the name refers to and performs operations on the value; 4) wherein the method creates data structure only for properties that have changed value and does not copy the updated object; and 5) wherein the method creates or modifies property value fields only for properties that have changed value and creates or modifies

version fields for only the versions including the properties that have changed value. The

recitation of claims 52-56 find support in portions of the specification including, but not

limited to page 5, lines 6-10.

Claims 57-61 are added independent of the previously presented claims. Claims 57-

61 also recite elements patentable over the prior art of record, as discussed in the remarks

above, including, but not limited to, the recitation that wherein the object including the value

of the property received can be generated without copying the object including the value of

the property received. The recitations of claims 57-61 find support in portions of the

specification including, but not limited to page 5, lines 6-10, and page 22, line 17 through
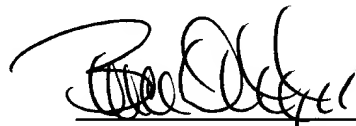
page 26, line 6.

CONCLUSION

In light of the above amendments and remarks, applicant submits that pending claims

1, 3-8, 10, 12-13, 15, 38-39, 42, and 44-61 (a total of 32 claims) are in condition for

allowance and respectfully requests that examiner issue an early notice of allowance. The

examiner is invited to call the undersigned attorney at any time, and especially in the event

that a telephone interview might advance prosecution of this application.

Date: July 19, 2004

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